

MINUTES

MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **CHAIRMAN EDWARD BUTCHER**, on February 20, 2003
at 3:31 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Edward Butcher, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Sherm Anderson (R)
Sen. Vicki Cocchiarella (D)
Sen. Aubyn Curtiss (R)
Sen. Bob DePratu (R)
Sen. Dan Harrington (D)
Sen. Sam Kitzenberg (R)
Sen. Gerald Pease (D)
Sen. Glenn Roush (D)

Members Excused: Sen. Mike Cooney (D)

Members Absent: None.

Staff Present: Pat Murdo, Legislative Branch
Roberta Opel, Committee Secretary

Video-taped Committee: This is the video log of a committee hearing. The log provides a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

Committee Business Summary:

Hearing & Date Posted: SB 315, 2/20/2003; SB 422,
2/20/2003; SB 413, 2/20/2003
Executive Action: SB 413, SB 352, SB 359, SB 315, SB
422

HEARING ON SB 315

Opening Statement by Sponsor: SEN. TRUDI SCHMIDT, SD 21, Great Falls, opened on SB 315; a feasibility study to assess conditions affecting rail freight competition in Montana.

Proponents' Testimony:

3:35pm Richard Owen, MT. Grain Growers Association

EXHIBIT(his38a01)

3:38pm Martin Becker, Great Falls Development Authority

3:41pm Bob Frasier, on his own behalf **EXHIBIT(his38a02)**

3:46pm Dave Gibson, Governor's Office on Economic Development

Opponents' Testimony: None

Informational Witnesses and Testimony:

John Guthmiller, USDA Rural Development

Questions from Committee Members and Responses:

3:50pm Begin

3:56pm End

6 min Elapsed time

Closing by Sponsor:

3:56pm **SEN. SCHMIDT** closed on SB 315.

HEARING ON SB 422

Opening Statement by Sponsor: SEN. JERRY BLACK, SD 44, Shelby, opened on SB 422; an act requiring gasoline to be blended with 10% volume ethanol. **EXHIBIT(his38a03)**

Proponents' Testimony:

4:04pm Mike Allen, E.P.A.C Ethanol Producers

4:11pm Barbara Broberg, Women Involved in Farm Economics (WIFE)

4:13pm Pat Joyce, Rocky Mountain Ethanol **EXHIBIT(his38a04)**, and on behalf of Pat Judge, Montana Environmental Information Center (MEIC)

4:16pm Rich Clough, representing himself

4:17pm Nancy Schlepp, MT. Farm Bureau

Opponents' Testimony:

4:17pm Gail Abercrombie, MT. Petroleum Association

EXHIBIT(his38a05)

4:26pm Bob Gilbert, MT. Petroleum Marketers and C-Store Assoc.

Informational Witnesses and Testimony:

4:31pm Dave Galt, MT. Dept. of Transportation

4:34pm Jack Kane, MT. Dept. of Labor and Industry

4:35pm Mary Phippen, representing herself

4:38pm Steve Wade, on behalf of Conoco-Phillips

Questions from Committee Members and Responses:

4:38pm Begin

5:10pm End

48 min Elapsed time

Closing by Sponsor:

5:14pm **SEN. BLACK** closed the hearing on SB 422.

HEARING ON SB 413

Opening Statement by Sponsor: **SEN. SAM KITZENBERG, SD 48, Glasgow**, opened on SB 413; a bill which would name US Highway 2 as the 163rd Infantry Regiment Heritage Highway.

Proponents' Testimony:

5:16pm Raymond K. Read, MT. Military Museum

5:22pm Joe Upshaw, representing the 163rd Infantry of WW II

EXHIBIT(his38a06) and **EXHIBIT(his38a07)**

5:30pm Bob Sperry, representing himself

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

5:32pm **SEN. KITZENBERG** closed the hearing on SB 413.

EXECUTIVE ACTION ON SB 413

5:33pm **Motion/Vote:** **SEN. KITZENBERG** moved **SB 413 DO PASS. Motion carried unanimously.**

EXECUTIVE ACTION ON SB 352

Motion: SEN. DAN HARRINGTON moved SB 352 DO PASS AS AMENDED.

Substitute Motion/Vote: SEN. VICKI COCCHIARELLA moved a conceptual amendment to change parts 1,6, 3 and 8 and to change the year from 2004 to 2005. **EXHIBIT**(his38a08) Motion carried unanimously.

Discussion:

5:38pm Begin
5:51pm End
13 min Elapsed time

Motion/Vote: SEN. GRIMES moved SB 352 DO PASS AS AMENDED. Motion failed on a roll call vote 8-4 with SENATORS ED BUTCHER, MIKE COONEY, DAN HARRINGTON and SAM KITZENBERG voting in favor of the motion.

Discussion:

5:52pm Begin
5:55pm End
3 min Elapsed time

Motion/Vote: SEN. GRIMES moved AMENDMENT SB031501.APM **EXHIBIT**(his38a09)
Motion carried unanimously.

Motion/Vote: SEN. GRIMES moved SB 352 DO PASS AS AMENDED-AS AMENDED. Motion carried unanimously.

Discussion:

5:55pm Begin
5:56pm End
1 min Elapsed time

Substitute Motion/Vote: SEN. GRIMES moved TO INDEFINITELY POSTPONE SB 352. Motion carried unanimously.

EXECUTIVE ACTION ON SB 359

Motion/Vote: SEN. SHERM ANDERSON moved to bring SB 359 OFF THE TABLE. Motion carried on a roll call vote with SENATORS CURTISS, DEPRATU, O'NEIL, PEASE and ROUSH voting no.

Discussion:

6:01pm Begin
6:03pm End
2 min Elapsed time

EXECUTIVE ACTION ON SB 315

Motion: SEN. COCCHIARELLA moved SB 315 DO PASS. SEN. DEPRATU moved a conceptual amendment.

Discussion:

6:03pm Begin
6:04pm End
1 min Elapsed time

Vote: Motion to adopt the conceptual amendment carried unanimously.

Motion/Vote: SEN. DUANE GRIMES moved SB 315 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SB 422

Motion: SEN. JERRY O'NEIL moved TO INDEFINITELY POSTPONE SB 422.

Discussion:

6:07pm Begin
6:10pm End
3 min Elapsed time

Substitute Motion: SEN. O'NEIL WITHDREW HIS MOTION and made a substitute motion to strike line 15 of the bill on page 1 through line 2 on page 2.

Motion/Vote: SEN. GRIMES moved TO INDEFINITELY POSTPONE SB 422. Motion failed 7-5 with SENATORS ANDERSON, CURTISS, DEPRATU, O'NEIL and GRIMES voting in favor of the motion.

Discussion:

6:11pm Begin
6:21pm End
10min Elapsed time

Substitute Motion: SEN. COCCHIARELLA moved to change the title of the bill and eliminate Section 2.

Discussion:

6:22pm Begin

6:25pm End

3 min Elapsed time

Vote: Motion carried with SEN. SHERM ANDERSON voting no.

Motion: SEN. O'NEIL moved SB 422 DO PASS AS AMENDED.

Discussion:

6:26pm Begin

6:27pm End

1 min Elapsed time

Vote: Motion SB 422 DO PASS AS AMENDED tied 6-6 on a roll call vote with SENATORS BUTCHER, COCCHIARELLA, COONEY, HARRINGTON, KITZENBERG and PEASE voting in favor of the motion and SENATORS ANDERSON, CURTISS, DEPRATU, ROUSH, O'NEIL and GRIMES voting no.

Note: VICE-CHAIRMAN GRIMES suggested the committee take up SB 422 again in their scheduled committee hearing Tuesday, February 25, 2003.

ADJOURNMENT

Adjournment: 5 P.M.

SEN. EDWARD BUTCHER, Chairman

ROBERTA OPEL, Secretary

EB/RO

EXHIBIT (his38aad)